

REMARKS

Claims 1-12 are pending. By this amendment, claims 1, 5, 8 and 12 have been amended.

Claims 1-12 are rejected under 35 USC 103(a) as unpatentable over Kakibayashi (USP 5,866,905) in view of Hosoki (USP 3,714,422). Applicants respectfully traverse these rejections.

The independent claims of the application recite that the lens focuses the charged particle beam such that a plurality of differential parts of the charged particle beam passing through the aperture converging one point on the sample, or slight variations thereof. This feature is not disclosed in either Kakibayashi or Hosoki. For example, in Fig. 6 of Hosoki, an electrode 12 divides the electron beam into two portions, which pass through deflecting devices 13 and 14. As Hosoki defines the requirements of stereo SEM, by deflecting one of the beam portions, the other beam does not reach it's corresponding passage hole on the aperture plate. Only one of the two beam portions is allowed to pass through either the left side or right side passage-hole of the aperture plate.

Thus, Hosoki does not disclose a plurality of differential parts of the charged particle beam passing through the aperture converging one point on the sample, as required by the independent claims. Kakibayashi does not solve these deficiencies. Accordingly, none of the claims are obvious over the cited references and withdrawal of the rejection is requested.

For the above reasons, it is submitted that the application is in condition for allowance. Prompt consideration and allowance are solicited.

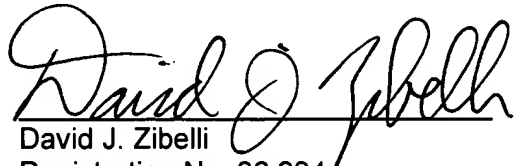
The Examiner is invited to contact the undersigned at (202) 220-4232 to discuss any matter concerning this application.

PATENT
Serial No: 09/943,262
Docket No: 1743-193

The Office is authorized to charge any additional fees under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

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